



**CIRCUIT ATTORNEY
CITY OF ST. LOUIS**

KIMBERLY M. GARDNER

CIRCUIT ATTORNEY'S OFFICE
1114 Market Street, Room 401
St. Louis, Missouri 63101
(314) 622-4941
FAX: (314) 622-4949
www.circuitattorney.org



January 28, 2019

Colonel John W. Hayden, Jr.
St. Louis Metropolitan Police Department
1915 Olive Street
St. Louis, MO 63103

Judge Jimmie Edwards
Public Safety Director
City of St. Louis
1200 Market Street
St. Louis, MO 63103

Dear Judge Edwards and Colonel Hayden:

On behalf of the St. Louis Circuit Attorney's Office, I want to express my condolences to you and the St. Louis Metropolitan Police Department family on the tragic death of Officer Katlyn Alix. I know how devastating this is to you and your colleagues.

My team and I are committed to getting to the truth of this matter, as I'm sure you agree that Officer Alix's family and the community deserve nothing less.

The purpose of this letter is to share my concerns with you about our attempts to gather specific evidence at the crime scene on Thursday morning. A prosecutor and two investigators from my office were dispatched to the shooting scene. At that time, members of our team had conversations with Major Sack, Lt. Brown, and Lt. Green about our desire to have blood drawn for testing from both the on-duty officers involved in the incident.

Our team asked your staff for an Affiant to work with my office to produce probable cause statement required for a search pursuant to conducting a blood draw for the two officers as there was probable cause at the scene that drugs or alcohol may be a contributing factor in a potential crime. My staff was told by Major Sack that your department would see about getting Guardian out to test the two officers, and they would let us know if they needed a search warrant. Consequently, we began preparing a search warrant for the purposes of having blood drawn.

Shortly thereafter, Lt. Green informed one of my team members that Saint Louis University Hospital would not honor a search warrant to draw blood. I'm sure you are aware that we have a protocol with area hospitals that they will honor our search warrants for blood draws. This procedure is common in criminal investigations.

Later at the police department, while my team was in the presence of Lt. Green, Lt. Brown Detective Strong, and others, my prosecutor was told that a "sample" had been secured of the involved officers. A few minutes later, one of my investigators asked again whether a blood draw had occurred. My team was told that a breath test was taken as well as a urine analysis in lieu of the more exact blood specimen test.

On Friday morning during an investigative meeting among members of my office, the Highway Patrol and your department, we were told by your staff that Internal Affairs had collected the urine sample and breathalyzer under Garrity. This is a serious problem in objective investigative tactics. The police department understood that we wanted blood samples for the purposes of the criminal investigation. Taking these tests under the cover of Garrity appears as an obstructionist tactic to prevent us from understanding the state of the officers during the commission of this alleged crime. We have the expectation that those test results will be turned over to our office immediately as part of the ongoing investigation.

In another concerning matter, when my office received the call regarding the officer-involved shooting, two of my team members were told by Lt. Green that the shooting was an "accident." It was reported as an accident by Col. Hayden later that morning, and then characterized as a "mishandling" of a firearm.

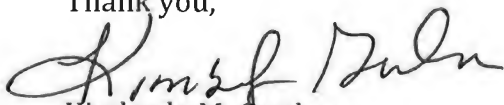
In my opinion, it is completely inappropriate for investigators to approach a crime scene that early in the investigation with a pre-disposed conclusion about the potential outcome of a case. It's particularly troublesome given that the Force Investigative Unit is required to conduct objective investigations of officer-involved shootings.

I understand your need to get information out to the public quickly regarding officer-involved shooting cases, however, the labeling of any criminal incident as an accident prior to a full investigation is a violation of our duty as objective fact finders.

While the St. Louis community demands objectivity and truthfulness in all investigations, officer-involved shooting investigations strike at the heart of police credibility and confidence in the criminal justice system.

There are other issues that I would like to discuss concerning the investigation of this case. I would, therefore, like to sit down with the two of you to discuss this matter as soon as possible. It's important that we utilize these incidents as learning opportunities for officer-involved shootings moving forward. I will have my assistant arrange a meeting.

Thank you,

A handwritten signature in black ink, appearing to read "Kimberly M. Gardner".

Kimberly M. Gardner

Circuit Attorney

City of St. Louis